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6/4/15

8 UNITED STATES BANKRUPTCY COURT  
9 DISTRICT OF NEVADA

10 oOo

11 IN RE:

CASE NO.: 14-50333-BTB

CASE NO.: 14-50331-BTB

12 ANTHONY THOMAS, and  
13 WENDY THOMAS,

(Chapter 7)

[lead case jointly administered]

14 AT EMERALD, LLC,

15 Debtors.

ADV. NO.: 14-5067-BTB

16 \_\_\_\_\_/  
17 JOHN BEACH as Trustee of the Beach  
18 Living Trust Dated January 22, 1999

19 Plaintiffs.

20 vs.

21 ANTHONY THOMAS, and  
22 WENDI THOMAS,

HRG. DATE: \_\_\_\_\_

AND TIME: \_\_\_\_\_

23 Defendants.

24 **MOTION TO WITHDRAW AS COUNSEL OF RECORD**

25 COMES NOW, MICHAEL LEHNERS, ESQ., attorney of record for the  
26 Defendants, ANTHONY and WENDI THOMAS, and hereby moves this  
27 Honorable Court for an order permitting him to withdraw as attorney of record  
28 for the Defendants.

1 This request for withdrawal is based upon the following memorandum of  
2 points and authorities.

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4 **MEMORANDUM OF POINTS AND AUTHORITIES**

5 There has been no judgment or final determination in the above-entitled  
6 case. Rule 46 of the Nevada Supreme Court Rules, Withdrawal or Change of  
7 Attorney, states in pertinent part:  
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10 "The attorney in an action or special proceeding may be changed at any  
11 time before a judgment or final determination as follows:  
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- 13 (1) Upon consent of attorney, approved by client;  
14 (2) Upon the order of the court or judge thereof on the application of  
15 the attorney of the client;  
16 (3) After judgment or final determination, an attorney may withdraw  
17 as attorney of record any time upon the attorney' filing of  
18 withdrawal, with or without the client's consent."

19 C.E.B. California procedure before trial, section 81, page 53, states in  
20 pertinent part:

21 "Care should be taken to recite only a minimum of necessary detail as to  
22 the difference existing between attorney and client so that the client will  
23 not be unduly prejudice by a statement spread on the record. The court  
24 should be liberal in granting the motion because of the highly  
25 confidential relationship that must exist between attorney and client to  
26 successfully prosecute or defend a case."

27 Counsel was retained by the Defendants for very limited purpose and  
28 these services have been completed, except for to prepared and file an Answer  
to the Amended Complaint once same is filed by the Plaintiff. The Defendants  
have not retained Counsel for any additional service and Counsel needs to

1 withdraw in this matter. Counsel has already advised the court he would be  
2 withdrawing.

3 WHEREFORE, Movant requests this Court to enter an order permitting  
4 him to withdraw as attorney for record for Defendants.  
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6 DATED this \_\_\_\_ day of June, 2015.

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8 MICHAEL LEHNERS, ESQ.  
9 Attorney for Defendants.  
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**AFFIDAVIT OF MICHAEL LEHNERS**

STATE OF NEVADA       )  
                                      ) ss.  
COUNTY OF WASHOE    )

I, MICHAEL LEHNERS, do hereby swear under penalty of perjury that the assertions of this affidavit are true.

1. That affiant is an attorney licensed to practice law in all the Courts of the State of Nevada.

2. That affiant was retained by Defendants to assist them in the pending adversary matter on a very limited basis.

3. Counsel has completed all the work that he was retained for, except for to prepared and file an Answer to the Amended Complaint once same is filed by the Plaintiff. Counsel will complete this task as soon as soon as the Amended Complaint is filed. Despite this final task, it is now necessary for him to withdraw as he is no longer retained. Counsel has further advised the court that he would be filing the pending motion.

\_\_\_\_\_  
MICHAEL LEHNERS

SUBSCRIBED and SWORN to before me  
this 4 day of June, 2015.

Dolores Stigall  
NOTARY PUBLIC

